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PTO/SB/65 (03-09)

Approved for use through 03/31/2012. OMB 0651-0016
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))

Docket Number (Optional)

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450
Fax: (571) 273-8300

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2150.00 OF

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent Number: 6,367,798

Application Number: 09/859,839

Issue Date: September 11, 2000

Filing Date: April 9, 2002

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable:

The above-identified patent:

☐

Is a reissue of original Patent No.

original issue date

original application number

original filing date

☐

resulted from the entry into the U.S. under 35 U.S.C. 371 of international application
filed on

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CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

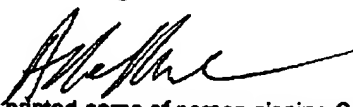
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is

(1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 OR

(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date January 2, 2013

Signature


Typed or printed name of person signing Certificate

[Page 1 of 4]

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-8189 and select option 2.

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1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

| NOT Small Entity | | | Small Entity | | |
|-----------------------------|-------------|--------|----------------------------------------|-------------|--------|
| Amount | Fee | (Code) | Amount | Fee | (Code) |
| <input type="checkbox"/> \$ | 3 ½ yr fee | (1551) | <input type="checkbox"/> \$ | 3 ½ yr fee | (2551) |
| <input type="checkbox"/> \$ | 7 ½ yr fee | (1552) | <input checked="" type="checkbox"/> \$ | 7 ½ yr fee | (2552) |
| <input type="checkbox"/> \$ | 11 ½ yr fee | (1553) | <input type="checkbox"/> \$ | 11 ½ yr fee | (2553) |

MAINTENANCE FEE BEING SUBMITTED \$ 1450

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ 700 (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$

5. MANNER OF PAYMENT

- ☐ Enclosed is a check for the sum of \$
- ☐ Please charge Deposit Account No.
- ☒ Payment by credit card. Form PTO-2038 is attached.

the sum of \$ 2150

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6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No.

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7. OVERPAYMENT

As to any overpayment made, please

☐ Credit to Deposit Account No.

OR

☒ Send refund check

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.


Signature(s) of Petitioner(s)

January 2, 2013
Date

Typed or printed name(s)

Registration Number, if applicable

Robert Lawal

Address

Telephone Number

2046 Springbank Road, Mississauga, Ontario L5H 3N6

416.727.5547

Address

CANADA

ENCLOSURES:

- ☒ Maintenance Fee Payment
☒ Statement why maintenance fee was not paid timely
☒ Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)
☐ Other:

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37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."


Signature

02 January 2013

Date

Type or printed name

Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

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Please see the attached sheet.

(Please attach additional sheets if additional space is needed)

Robert Lawal

**Statement in Support of Petition To Accept Unavoidably Delayed Payment Of
Maintenance Fee In An Expired Patent (37 CFR 1.378(B))**

I invented this word game in the 1990s but was unable to file for patent protection due to financial reasons until 2000. I am the reverend in charge of a small church. After almost two years and a number of challenges, my application was granted in 2002. I was represented by the firm Ridout & Maybee at that time and I successfully paid the 3 1/2 year payment upon receiving notice from my legal counsel. I have not received correspondence from that firm in a number of years.

I did indeed take reasonable care to ensure that the maintenance fees would be kept current by setting up calendar alerts, but with changes in my telephone and computer systems, the calendar alerts haven't been consistent. As well, a number of issues have arisen that have drawn my attention and available funds away from this invention that is so dearly important to me. Among other things, I have suffered the deaths of both of my parents, my congregation was completely without heat in our building for nearly a year because we did not have the funds to pay for the furnace replacement and my own home was flooded due to a sewer back-up. I only receive a very modest monthly stipend from the church and that stipend is only paid when the church has the financial means to pay it. The church has not been financially stable enough to pay that stipend consistently.

My wife contacted the USPTO Patents office in January 2011 and was advised that the patent had lapsed due to the failure to pay the 7 1/2 year maintenance fee. She was advised that the patent could be reinstated as long as I made a full payment of the maintenance fee and applicable surcharges by no later than April 8, 2013. Upon hearing of this absolute deadline, we made diligent efforts to secure the required amounts and after borrowing from a number of sources, we have thankfully been able to put together the requisite fee and surcharge amounts a few months in advance of the deadline. I am asking that the Petitions Office kindly consider my unique circumstances, my small entity status and my sincere desire to maintain this patent that I fought so hard to secure.

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